

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOHN GIORDANO, JEANETTE
GIORDANO, JAMES GIORDANO, and
JESSICA GIORDANO;

KEITH DALTON, and ANN AERTS

Civil Action No.: 1:19-cv-21573

CORBY DEESE JR. and TAMMY
O'LEARY;

ARMANDO FERNANDEZ;

EDWARD FRANKLIN, DANA
FRANKLIN, and AUSTIN FRANKLIN;

Stipulation and ~~Proposed~~ Order

MICHAEL HARPER, SUSAN KOYE,
JENNIFER HARPER, SAVANNAH
HARPER, and ELIZABETH HARPER;

HELEN KAROL;

WESLEY KILLE, LESLIE KILLE, GAGE
KILLE, LUCIA KILLE, and MALAYNA
REISTLE;

MICHAEL LANGE and ANDREW
SOLARI; and

JIM RAPISARDI;

JUSTIN SCHALLER, JULIE SCHALLER,
REBECCA SCHALLER, and JUSTIN
SCHALLER JR.;

Plaintiffs

v.

SOLVAY SPECIALTY POLYMERS,
USA, LLC; SOLVAY SOLEXIS, INC.;
ARKEMA, INC.; E.I. DU PONT DE
NEMOURS & COMPANY; THE
CHEMOURS COMPANY; THE
CHEMOURS COMPANY FC, LLC; THE

3M COMPANY; and ABC
CORPORATIONS #1-10
:
:
:
:
Defendants :

WHEREAS, Corby Deese, Jr. and Tammy O'Leary are plaintiffs in a case filed by John Giordano and others in the United States District Court, Giordano et al v. Solvay Specialty Polymers, USA, LLC, et al. Civil Action No. 1:19-cv-21573 (the "Giordano Action");

WHEREAS, Corby Deese, Jr. and Tammy O'Leary, at the time that the Giordano Action was filed, were represented by the law firm of Williams Cedar, LLC;

WHEREAS, Corby Deese, Jr. and Tammy O'Leary, after filing the Giordano Action, determined to retain Phillips & Paolicelli, LLP, Szaferman, Lakind, Blumstein & Blader, PC, and Cooney & Conway as their counsel;

WHEREAS, Phillips & Paolicelli, LLP, Szaferman, Lakind, Blumstein & Blader, PC, and Cooney & Conway have filed substitutions of attorney to become counsel for Corby Deese, Jr. and Tammy O'Leary in the Giordano Action;

WHEREAS, Phillips & Paolicelli, LLP, Szaferman, Lakind, Blumstein & Blader, PC, and Cooney & Conway intend to file an amended complaint on behalf of Corby Deese, Jr. and Tammy O'Leary; and

WHEREAS, Defendants in the Giordano Action do not oppose the severance of claims by Corby Deese, Jr. and Tammy O'Leary from the Giordano Action, subject to a reservation of any and all defenses they may have to those claims and the remaining claims asserted by other plaintiffs in the Giordano Action, and otherwise take no position with regard to the history recounted above; now therefore,

IT IS on this 14th day of JANUARY, ~~2020~~ ²⁰²¹ ORDERED that

1. The claims of Corby Deese, Jr. and Tammy O'Leary in Giordano, et al v Solvay Specialty Products et al, Civil Action No.: 1:19-cv-21573, be and hereby are severed from the Giordano Action and assigned docket number 21-217(NLHJS);

2. Phillips & Paolicelli, LLP, Szaferman, Lakind, Blumstein & Blader, PC, and Cooney & Conway are given leave to file a Third Amended Complaint on behalf of Corby Deese, Jr. and Tammy O'Leary in the matter assigned docket number 21-217(NLHJS) provided such Third Amended Complaint is filed on or before January 29, 2021;

3. Defendants in the Giordano Action shall retain any and all defenses they may have to (i) claims Corby Deese, Jr. and/or Tammy O'Leary have asserted in the Giordano Action, (ii) any claims Corby Deese, Jr. and/or Tammy O'Leary may assert in their Third Amended Complaint; and (iii) the remaining claims asserted by other plaintiffs in the Giordano Action.

4. The deadline for the Defendants to respond to a Third Amended Complaint filed on behalf of Corby Deese, Jr. and/or Tammy O'Leary in accordance with this Order shall be stayed pending further Order of the Court, in the manner provided in this Court's previous Order, dated November 1, 2020, decretal paragraph 2, Document No. 96 in Docket 1:19-cv-21573-NLH-JS.

5. No Additional Filed Fee is Required.

6. All docket entries from Giordano, 19-21573(NLHJS) are incorporated herein by reference.

Joe Schneider
Joe Schneider,
United States Magistrate Judge

7. This case is consolidated for discovery and case management purposes with C.A. Nos.

19-21573, 20-6906, 20-8487, 20-11393
and 20-15014.

The undersigned consent to the
form and entry of this Order

Phillips & Paolicelli, LLP
Counsel to Plaintiffs,
Corby Deese, Jr. and Tammy O'Leary

Szaferman Lakind Blumstein & Blader, P.C.
Counsel to Plaintiffs,
Corby Deese, Jr. and Tammy O'Leary

By: s/Steven Phillips
Steven Phillips

By: s/Arnold C. Lakind
Arnold C. Lakind

Cooney & Conway
Counsel to Plaintiffs,
Corby Deese, Jr. and Tammy O'Leary

Williams Cedar, LLC

By: s/Kevin Cooney
Kevin Cooney

By: s/Alan Sklarksy
Alan Sklarksy

LATHAM & WATKINS LLP
Counsel to Solvay Specialty Polymers, USA, LLC
(successor-by-merger to Solvay Solexis Inc.)

By: s/Kegan A. Brown
Kegan A. Brown

GREENBAUM, ROWE, SMITH & DAVIS LLP
Counsel to Arkema, Inc.

McCARTER & ENGLISH, LLP
Counsel to E. I. du Pont de Nemours
& Company

By: s/Jonn D. North
John D. North
Irene Hsieh

By: s/Natalie Watson
Natalie Watson
Lanny S. Kurzweil
Nathan Howe

McCARTER & ENGLISH, LLP
Counsel to The Chemours Company

By: s/Lanny S. Kurzweil
Natalie Watson
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Nathan Howe

BRESSLER, AMERY & ROSS, P.C.
Counsel to 3M Company

By: s/Donald J. Camerson, II
Donald J. Camerson, II